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RANDALL B. BATEMAN
BATEMAN IP LAW GROUP
8 EAST BROADWAY, SUITE 550
PO BOX 1319
SALT LAKE CITY UT 84110

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JAN 03 2008

OFFICE OF PETITIONS

In re Application of :
Pope, et al. : DECISION ON PETITION
Application No. 09/840,623 :
Filed: April 22, 2001 :
Docket No.: 6069.1 P :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 18, 2007.

This application was held abandoned for failure to timely submit a proper reply to the Office action mailed February 10, 2003. Notice of Abandonment was mailed June 26, 2006.

Petitioners assert that a response to the Office action was timely submitted on March 3, 2003 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated March 3, 2003 acknowledging receipt of the reply. Further, the response bears a certificate of mailing date of February 26, 2003 in accordance with 37 CFR 1.8. Petitioners have established non-receipt of the Notice of Abandonment due to the Office's failure to enter the requested change of correspondence address.


The original response filed March 3, 2003 has not been located in the application file. However, the evidence presented is most persuasive that a reply Office action was in fact timely submitted.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to the Technology Center 3600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/840,623	04/22/2001	Bill J. Pope	6069.1 P

CONFIRMATION NO. 3960

POA ACCEPTANCE LETTER



27472
RANDALL B. BATEMAN
BATEMAN IP LAW GROUP
8 EAST BROADWAY, SUITE 550
PO BOX 1319
SALT LAKE CITY, UT 84110

Date Mailed: 12/31/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/18/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ambrown/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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09/840,623	04/22/2001	Bill J. Pope	6069.1 P

McCarthy & Sadler, LC
Suite 100
39 Exchange Place
Salt Lake City, UT 84111

CONFIRMATION NO. 3960
POWER OF ATTORNEY NOTICE



Date Mailed: 12/31/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/18/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ambrown/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199